# THE CASE FOR A SHOT BEFORE 210

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by

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What began as a diatribe of minor length has now, by necessity, grown in size into an article of some four thousand words. Arguments became apparent in the original script and so some effort has been made to clarify certain points. I am indebted to Peter Dawney, a publisher who has done sterling work on many aspects of the J.F. Kennedy assassination, for his criticism of the most crucial part of my theory which made me realise that what appeared obvious to me was open to question.

More research was needed to prove my point. A close examination of the original motion picture taken by Abraham Zapruder was imperitive but 'LIFE' magazine, the possessors of the original, are very reluctant to part with copies of this most important item. One has to resort to the next best thing; a copy of Josiah Thompson's book 'SIX SECONDS IN DALLAS'. The charcoal copies of individual frames from the Zapruder film are perhaps the clearest record that the general public are ever likely to see of the events that took place in Dealy Plaza on the 22nd. November 1963.

With this and other material an attempt will be made to prove that Lee Harvey Oswald could not have fired the first shot from the sixth floor of the Texas School Book Depository, which is synonymous with saying that there was at least one more gunman,

and therefore, a conspiracy.

Why this obsession with the Kennedy assassination ? Surely the ground has been well covered by Joesten, Lane Weisberg, Salandria, Thompson, Buchanan and many others. And did not the Garrison trial lay the ghost of conspiracy when Clay Shaw was acquitted in New Orleans ? I think not. The Warren Commission's Report left too many questions unanswered and while Clay Shaw was found not guilty of conspiring to assassinate President Kennedy this did not prove that there was not a conspiracy involving others.

No attempt is being made to identify the conspirators. Only a guess can be hazarded as to the location of the gunman who fired the first shot. But a detailed study of the frames mentioned and the correct interpretation of the information contained therein should be enough to convince even the most hardened sceptic that there was another gunman in Dealy Plaza on that fateful day.

## 1. THE MAN WHO NEARLY MISSED HIS PLACE IN THE HISTORY BOOKS.

According to the Warren Report Lee Harvey Oswald sat in his sniper's nest on the sixth floor of the Texas School Book Depository with a single-minded objective in view; to assassinate the President of the United States as he drove in motorcade through Dallas. However, by accident or design, he was not the first person to hit J.F.Kennedy with a bullet but in all probability delivered one of the two fatal shots that struck the President's head almost simultaneously.

If Oswald, acting alone, had wanted to be sure of his place in history he would surely have triggered off his first shot as the Presidential limousine approached him head on down Houston Street. Failing this, and assuming that the Secret Service men on the follow-up car were scanning high windows and roofs, as is their duty on such occasions, he would have had an equally clear shot as the car swung around the corner of Houston Street onto Elm Street, before it disappeared momentarily from view behind the, now famous, oak tree.

At this point Oswald was at his closest to the President and there was no one between him and his

target. This would have been the ideal time to pull the trigger and snuff out the life of a man towards whom he bore no personal grudge but by whose killing Lee Harvey Oswald's name would be remembered for all time. That Oswald never did admit to the killing is something that may strike thinking people as peculiar. But then if one reads the Warren Report one finds it full of peculiarities, inconsistencies, and ambiguous statements. The real crime of Dallas was the subsequent cover-up and whitewash of the true facts which was perpetrated by the Commission that was appointed by President Johnson to investigate and report the assassination.

Officially the car next disappeared behind the oak tree and emerged at a point in time that coincides with frame 210 of the 8mm. film taken by Abraham Zapruder from a position right-front of the President's car. And then, by a twist of fate, the car disappears behind a Stemmons Freeway sign blocking from the camera's view the precise moment of impact of the first shot.

That Kennedy has been hit and is reacting to the wound he has received is obvious when he begins to emerge from behind this sign at frame 224. The question that begs to be answered is, when did the first

shot strike home ? The Warren Report says that the first shot could not have been fired before frame 210. Their basis for formulating this opinion was expert testimony that the oak tree obscured the view from the sixth floor of the Depository building until frame 210. I am sure that it can be proven that the first shot was fired before this frame. Mrs. Kennedy said so. ?
And if we can prove that this shot was fired before 210 then someone else other than Oswald was shooting at the President in Dealy Plaza that day. Coincidence or conspiracy ?

## 2. THE EXPERT'S TESTIMONY.

On page 102 of the Bantam Edition of the Report of the Warren Commission on the Assassination of President Kennedy the following testimony by F.B.I. Agent Lyndal L. Shaneyfelt appears;

> "It is probable that the President was not shot before frame 210, since it is unlikely that the assassin would deliberately have shot at him with a view obstructed by the oak tree when he was about to have a clear opportunity. It is also doubtful that even the most proficient marksman would have hit him through the oak tree."

Taking into consideration the windy conditions that prevailed in Dallas that day and the consequent movement of the branches and foliage of the oak tree I completely agree with Agent Shaneyfelt; a shot from sixth floor of the T.S.B.D. building was not possible before frame 210. But this testimony does not eliminate the possibility of a shot from another location.

"It is also doubtful that even the most proficient marksman would have hit him through the oak tree." As Oswald was not a proficient marksman it was not only doubtful that he could have hit the President through the foliage of the oak tree, it was an impossibility. And yet, if we are to accept the testimony of Mrs. Kennedy, who was nearest to him, the President was shot before frame 210. Further, if we are to look closely into the testimony of the three men who were closest to the rifle and the evidence of the three empty shell cases found in the sniper's nest we can arrive at the fairly logical conclusion that the first shot could not, and was not, fired from the sixth floor of the Depository.

## 3. MRS KENNEDY'S TESTIMONY

The late President's wife's testimony is published in Volume V. of the 'Hearings'. It reveals, from the evidence of the Zapruder film, that the President was, indeed, shot when the gunman's view was obscured by the oak tree. The following extracts are as printed.

Mrs. Kennedy. "You know, there is always noise in a motorcade and there are always motorcycles besides us, a lot of them backfiring. So I was looking to the left. I guess there was noise, but it didn't seem like any different noise really because there is so much noise, motorcycles and things. But then suddenly Governor Connally was yelling 'Oh, no, no, no."

Mr. Rankin. "Did he turn toward you ?"

Mrs. Kennedy. "No; I was looking this way, to the left, and I heard these terrible noises..... So I turned to the right.... Well, there must must have been two because the one that made me turn around was Governor Connally yelling..... But I used

to think if only I had been looking to the right I would have seen the first shot hit him, then I could have pulled him down, and then the second shot would not have hit him. But I heard Governor Connally yelling and that made me turn around, and as I turned to the right my husband was doing this (indicating with hand at neck). He was receiving a bullet.... ..... We were really slowing turning the corner.

I have underlined all references to the directions in which Mrs. Kennedy was looking because if one looks at the Zapruder film for the very actions that she is describing the result is very interesting, and damning to the Warren Report's contention that the President could not have been hit before frame 210.

I do not possess copies of all of the Zapruder frames but it is quite apparent that Mrs. Kennedy has made her turn to the right as early as frame 207. She must have started this turn many frames prior to 207 for, remember, she turned not primarily because she heard a shot but because, "I heard these terrible noises. You know, And my husband never made a sound.

So I turned to the right. And all I remember is seeing my husband. He had this sort of quizzical look on his face, and his hand was up."

How many frames before 210 the first shot must have been fired and hit the President is sheer guess-work, but it is far,far in advance of this one. One thing is clear and irrefutable if we are to accept the testimony of the one person who was closest to the President on that fateful day; the car was well obscured from the sixth floor of the Depository buiding by the oak tree, which is synonymous with saying that Oswald could not have fired the first shot. ?

There are some remarkable sketch copies of some of the frames from the Zapruder film in Josiah Thompson's 'SIX SECONDS IN DALLAS' (Bernard Geis/Random House). At frame 183 it appears that Mrs. Kennedy's head is in the straight forward position. This observation is based on the shape of the hat which she was wearing that day. That she is in the process of turning her head to the right is obvious when a copy of the Willis colour slide taken at a point just to the left of the Depository doorway, and corresponding approximately to Zapruder frames 120-130 shows her turned to the left. This proves her test-

imony regarding the turn from left to right which, to recapitulate, she executed after the first shot.

Some time prior to 183 and after 120 - 130 Mrs. Kennedy heard the sound that made her turn to the right towards her husband. This conclusion is inescapable unless one disregards her statement completely. Even allowing for the fact that she may have been mistaken about hearing the shot before her turn to the right it must be accepted that she was not looking directly at him at the moment of the first bullet's impact because nobody could forget such a traumatic experience. As she is, then, looking at her husband at 207 (and, no doubt, in at least a dozen frames in advance of this one) we can safely state that the President was shot much earlier than this frame and, more than likely, before frame 200.

The casual reader tends to be overwhelmed by the, to him, enormous number of frames difference between the one quoted by the Commission as being the frame that approximates to the first shot and the frames that have been advanced in this theory. The Commission quoted 210 as being the earliest point in the film for the first hit and I quote 183 as being the latest point for the first hit. This represents a difference of 27 frames, or 1½ seconds, a very short period of time one must agree.

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Another point to ponder on is the portion of Mrs. Kennedy's statement relating to her deep regret that she did not see the first shot hit, for had she been looking at him she would have had time to pull him down onto the seat thus saving him from the fatal shot. At frame 207 she is looking at him, but it is too late. ?

## 4. A QUESTION OF TRAJECTORY

Let us hypothesise for a moment that the first shot was fired much earlier than 210 from the roof of the Dal-Tex or Records buildings. There would be no tree or obstruction to hamper the view of the gunman and a shot fired from either of these locations at the time specified would give us a point of entry into the President's back at a deeper angle than 21°34' that the Commission specify. How to explain this anomaly ? Easy, if one accepts the F.B.I. report of the autopsy which quotes an angle of 45/60°. I am sur that J. Edgar Hoover would die of apoplexy if he thought that for one moment he was employing men who could not tell the difference between 21° and 45/60°. ?

Thus far, Mrs. Kennedy's testimony indicates a shot much earlier than frame 210, and the F.B.I. have (assuming that they are not nincompoops, which I am sure that they are not) confirmed this with their autopsy findings. Let us now move to the three men who were closest to the alleged assassin and see if they can enlighten us as to what really happened above their heads on the sixth floor of the Texas School Book Depository building. ?

## 5. THE X X X STORY

The Warren Report abounds in testimony which is liberally sprinkled with little star-like marks. To the casual reader they are merely annoying; to the serious investigator they have a more ominous meaning. The testimony of the three T.S.B.D. employees, James Jarman, Jr., Bonnie Ray Williams and Harold Norman is just about readable and by accident or design (though this is unlikely) it confirms my theory that the first shot was fired from some other location and not the Depository.

Taking the testimony of these three men individually it becomes apparent that not one of them testified that the first shot was fired from above their heads.

Let us examine Norman's testimony first. It reads as follows:

> X X X and I can't remember what the exact time was but I know I heard a shot, and then after I heard the shot, well, it seems as though the President, you know, slumped or something, and then another shot and I believe Jarman or someone told me, he said "I believe someone is shooting at the President," and I think I made a statement"It is someone

> shooting at the President, and I believe it came from up above us."
>
> "Well, I couldn't see at all during the time but I know I heard a third shot fired, and I could also hear something sounded like the shell hulls hitting the floor and the ejecting of the rifle. X X X

At first glance this testimony seems pretty damning to the conspiracy theory. A closer examination however reveals that Norman does not say that all three of the shots came <u>from above his head</u>. Indeed, Jarman later states that Norman, (a) "thought that the <u>shots</u> had come from above us" and (b) "that he was sure that the <u>shot</u> came from inside the building because he had been used to guns and all that, and he said <u>it</u> didn't sound like <u>it</u> was too far off anyway."

Just how many shots did Norman really hear coming from the floor above him ? Let us look at Williams testimony in an attempt to find a solution.

> X X X because I did not know what was happening. <u>The second shot, it sounded like it was right in the building, the second and third shot.</u>
>
> And it sounded - it even shook the building,

> the side we were on. Cement fell on my head.....Harold was sitting next to me, and he said <u>it</u> came right from over our heads.

At least Williams was definite about the source of the second and third shots and we can only assume that the constant references to 'it' implies the gunfire and not an individual shot.

Lastly, Jarman's testimony:

> When Jarman heard the first sound, he thought that it was either a backfire - X X X or an officer giving a salute to the President. And then at that time I didn't, you know, think too much about it. X X X
>
> X X X X X X X X X X X X X X X X X X X X
>
> Well , after the third shot was fired, I think I got up and I run over to Harold Norman and Bonnie Ray Williams, and I told them, I said, I told them that <u>it</u> wasn't a backfire or anything, that someone was shooting at the President.

Two paragraphs later the Report states;

> ..... Jarman "got to thinking about

> all the debris on Bonnie Ray's head" and said, "That shot probably did come from upstairs, up over us.

Again the reader is left in doubt as to the exact source of the shots. Jarman thought that the first report was a backfire. His testimony regarding the second shot (we assume that he did hear a second shot) is noticeably blank. He does confirm a third shot. The Report goes on to say;

> He (Jarman) testified that Norman said, "I know it did, because I could hear the action of the bolt, and I could hear the cartridges drop on the floor."

If only Norman had been more specific on the number of cartridges he heard hitting the floor all doubt may have been dispelled. It appears that the Commission noted this discrepancy in the testimony of all three of the negro witnesses and in the last paragraph of the section of Chapter 3 entitled 'On the Fifth Floor' we read that four months later the three witnesses took part in an experiment in which they placed themselves in position on the fifth floor of the Depository building while a Secret Service agent operated the bolt of a rifle (how many times ?,,, M.M.) directly above them..... 'at the

same time, three cartridge shells were dropped to the floor at intervals of about 3 seconds.'

The question begs to be asked. Why drop three shells on the floor when a rifle of the make that Oswald was purported to have used ejects it's spent shells on operation of the bolt ? Later Norman, who remember was used to guns, testifies;

> "Well, I heard the same sound, the sound similar. I heard three something that he dropped on the floor and then I could hear the rifle or whatever he had up there."

Still no clue is forthcoming as to the number of shots heard fired from above his head, and perhaps more important, is Norman referring to Nov. 22nd. 1963 or March 20th. 1964 (the day of the experiment) in the above statement ? He could be talking about the Secret Service man. Why doesn't the Report clarify this vital piece of information ?

If one accepts the theory that has been advanced so far, that Oswald fired two shots from the sixth floor which, although not proven, cannot be lightly dismissed from the evidence of the testimonies of Williams, Jarman and Norman, and that two shells were ejected and one

thrown down onto the floor, as has been suggested by Josiah Thompson in his book, 'Six Seconds in Dallas', mainly on the evidence of a dent in the casing of one of the shells which would have excluded the possibility of it having held the bullet nose, then the jig-saw begins to fit into place.

Finally, star-witness Harold L. Brennan, who identified Oswald as the man in the window and actually saw him firing the rifle. Surely this man will blast our theory apart. Let us see. On page 133 of the Report (Bantam Edition) one reads; ?

> 'After hearing the first shot, which he thought was a motorcycle backfire, Brennan glanced up at the window. He testified that "this man I saw previously was aiming for his last shot X X X "'.

Apparently Brennan missed the second shot and what is more to the point, did not see Oswald fire the first one. As far as I can ascertain nobody saw Oswald fire the first shot. The reason is obvious; Oswald didn't.
?

## 6. IT HAPPENED RIGHT IN FRONT OF ME

This then , is the case for a bullet before 210 and the case for a conspiracy. It would have been a colossal coincidence if, on the very day that Oswald decided to take Kennedy's life, another man had also tried to commit a similar act. Nevertheless, coincidences are commonplace and, but for the fact that recent evidence points to an almost simultaneous head shot from the front with the third rear head shot at frame 313, thus indicating another gunman in the grassy knoll area, it could have happened that way.

I have tried not to stretch credibility too far and all testimony quoted has been taken from the Bantam Edition Of the Report of the Warren Commission. The only other essentials to follow this theory through to it's logical conclusion are copies of the relevant Zapruder frames.

Arguments could be advanced that witnesses in Dealy Plaza have already testified to the exact location of the car at the time of the first shot and their answers may not coincide with an earlier placing as elicited by the theory advanced here. However, I must once again

ask the reader to remember that we are talking in terms of a 1½ to 2 seconds difference only. Translate this into feet per second that the car was travelling (16 f.p.s.) and it becomes entirely feasible that witnesses could be this small, but important, fraction of time and distance in error.

But perhaps what is more to the point; when history is in the making and you are there wouldn't you like to tell people later that, "It happened right in front of me."